Court No.1

Civil Misc. writ petition No.4163 (S/S) of 2001

Rajya Karamachari Sanyukt
Parishad, Uttaranchal. …….. Petitioner.

Versus

The Registrar, Firms, Societies
And Chits, Uttaranchal & two
Others. ……Respondents.

Hon'ble P.C. Verma, J.

The petitioner has filed this writ petition against the order dated 10.8.2001 of cancellation of registration passed by respondent No.2. The petitioner has remedy by way of filing an appeal against the order of respondent No.2, Assistant Registrar, Firms, Societies and Chits before the Commissioner. In appeal, all these points can be raised which have been raised by way of this petition. Since the petitioner is a juristic person and there is no violation of fundamental right, hence petition cannot be filed under Article 226 of Constitution of India. So far as other aspects are concerned, it is settled law that once the remedy is available in the statute that should be availed first and short circuiting should be avoided.

Therefore, the writ petition has no force and is dismissed. The petitioner is at liberty to avail the remedy for filing an appeal before the Commissioner.However, in case if appeal is filed before the Commissioner, he shall decide the appeal expeditiously, say within a period of one month from the date of its filing.

(P.C. Verma, J.)

16.8.2001

P.Singh